


JUN 18 2010

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION

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|--------------------------|---|---------------------------------|
| AMAR KHALID ABED |) | Civil Action No. 7:01cv00355 |
| |) | Criminal Case No. 7:97cr00024-3 |
| |) | |
| v. |) | ORDER |
| |) | |
| |) | By: Samuel G. Wilson |
| UNITED STATES OF AMERICA |) | United States District Judge |

For the reasons stated in the accompanying Memorandum Opinion, it is hereby

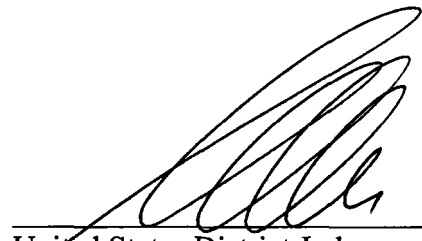
ORDERED and ADJUDGED

that Abed's motion (Docket #11) is **DENIED** as a motion for reconsideration under Rule 60(b), a petition for audita querela, and a petition for writ of error coram nobis. Abed's motion is **CONSTRUED** as a motion to vacate, set aside or correct sentence, pursuant to 28 U.S.C. § 2255, and the Clerk is directed to **FILE** the motion as such; the § 2255 motion shall be and hereby is **DISMISSED without prejudice** as successive; and the case is hereby **STRICKEN** from the active docket.

Further, finding that Abed has failed to make a substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c)(1), a certificate of appealability is **DENIED**.

The Clerk is directed to send copies of this Order and the accompanying Memorandum Opinion to the parties.

ENTER: This 18th day of June, 2010.


United States District Judge